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January 7, 2009

Ms. Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: WC Docket No. 07-256: Feature Group IP Petition for Forbearance From Section 251(g) of the Communications Act and Sections 51.701(b)(1) and 69.5(b) of the Commission's Rules

Dear Ms. Dortch:

On December 31, 2008 Feature Group IP filed a letter in the above-referenced proceeding regarding certain communications between itself, NECA's member companies, and NECA itself.¹ Feature Group IP's letter does not seek any action or relief from the Commission, but was instead filed "purely for the purpose of showing" Feature Group IP has attempted to establish a dialog with NECA member companies regarding the signaling, routing and rating of interconnected VoIP traffic.

In Feature Group IP's view, NECA members' supposed refusal to discuss these topics "is relevant to and should be considered as part of the deliberations" in this proceeding. But whether NECA member companies are willing to discuss signaling, routing or rating issues with Feature Group IP has no bearing on the merits of Feature Group IP's forbearance request, which must be denied for the reasons stated in NECA's comments in this proceeding.²

Feature Group IP's December 31 letter also includes a copy of a letter sent to NECA on December 17, 2008 alleging NECA and its members have engaged in unauthorized and unlawful activities with respect to Feature Group IP. These allegations are untrue. A copy of NECA's response to Feature Group IP's letter is enclosed for your information.

Sincerely,

A handwritten signature in dark ink, appearing to read "Regina McNeil". The signature is fluid and cursive, with the first name "Regina" being more prominent than the last name "McNeil".

Encl:

¹ See Letter from W. Scott McCollough, General Counsel, Feature Group IP, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 07-256 (Dec. 31, 2008).

² See Comments of NECA, *et al.*, WC Docket No. 07-256 (Feb. 19, 2008), at 2-3, 7.

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January 6, 2008

Via U.S. Mail

Patricia B. Tomasco
Brown McCarroll LLP
111 Congress Avenue, Suite 1400
Austin, TX 78701-4043

Dear Ms. Tomasco:

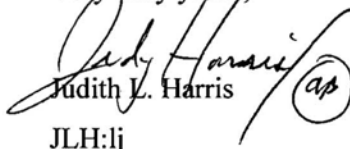
I write in response to your December 17, 2008 letter to the National Exchange Carrier Association ("NECA"). Please be advised that this firm represents NECA, and that any further communication intended for NECA should be directed to my attention.

The accusations leveled against NECA in the December 17 letter are utterly without merit and, ironically, border on defamation. *See Cardtoons, L.C. v. Major League Baseball Players Ass'n*, 208 F.3d 885, 891 (10th Cir.) (*en banc*), cert. denied, 531 U.S. 873 (2000). NECA and its member companies are not engaged in a "group boycott" against Feature Group IP, and the December 17 letter provides no evidence to support this allegation. The allegation that NECA has discussed with member companies the proper application of its tariff to interexchange traffic terminated on their networks by Feature Group IP and its customers does not give rise to any violation of the antitrust laws. Such alleged activity is also clearly within the scope of NECA's authority under section 69.603 of the Commission's rules.

Furthermore, as you implicitly acknowledge, the Supreme Court has held that "[j]oint efforts to influence public officials do not violate the antitrust laws even though intended to eliminate competition. Such conduct is not illegal, either standing alone or as part of a broader scheme itself violative of the Sherman Act." *United Mine Workers of Am. v. Pennington*, 381 U.S. 657, 670 (1965). NECA's advocacy efforts are not intended to eliminate competition or to further any anticompetitive scheme, but instead are directed at helping member companies obtain payment for access services rendered. As such, they fall squarely within the bounds of the *Noerr-Pennington* doctrine, notwithstanding your unsubstantiated reliance upon *FTC v. Superior Court Trial Lawyers Ass'n*, 493 U.S. 411 (1990).

Finally, NECA is under no obligation to preserve the broad categories of information identified and the December 17 letter offers no authority to support any purported obligation. NECA is also an incorporated entity separate and legally distinct from its discrete members. To the extent the December 17 letter purports to make demands upon any entity other than NECA, such an attempt is misplaced. If your client has any information to communicate to one or more of NECA's more than 1,100 members, it should communicate directly with the relevant entity(-ies).

Very truly yours,


Judith L. Harris
JLH:lj